

**United States District Court  
District of Massachusetts**

**DAVID F. POEHLER**

PLAINTIFF

**v.**

**JOHN E. POTTER, POSTMASTER  
GENERAL, USPS**

DEFENDANT

**CIVIL ACTION NO. 04-30254-MAP**

**MORANDUM IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

The plaintiff, David F. Poehler ("Poehler"), brings this action against John E. Potter, Jr., United States Postmaster General, under Title VII of the Civil Rights Act of 1964. The plaintiff opposes defendant's motion for summary judgment on the grounds that claims relating to Poehler's efforts to become a supervisor are not barred by the statute of limitations because Poehler of ongoing discrimination and the consolidation of such claims; Poehler can show an adverse employment action and can demonstrate discriminatory motive. Therefore, the defendant is not entitled to summary judgment.

For the reasons stated above, and more specifically set forth in the memorandum of law submitted herewith, the Plaintiff respectfully requests that the motion be denied.

Respectfully submitted,  
Plaintiff

By:     /s/ Edward M. Pikula      
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered on this 14<sup>th</sup> day of May 2006.

/s/ Edward M. Pikula